

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-020

Applicant: 22nd District Agricultural
 Association

Agent: BRG Consulting

Description: Placement of a 13,500 sq.ft. fabric tent structure to accommodate youth volleyball and other events on a vacant 22,500 sq.ft. site located at the northeast end of the Surf & Turf property, adjacent to the Del Mar Hilton parking lot.

Lot Area	22,500 sq. ft. (specific site only)
Building Coverage	13,500 sq. ft. (60%)
Landscape Coverage	9,000 sq. ft. (40%)
Parking Spaces	shared use of 200-space parking lot
Zoning	Fairgrounds/Racetrack
Plan Designation	Fairgrounds/Racetrack
Ht abv fin grade	33 feet

Site: On the east side of Jimmy Durante Boulevard, at the northeast corner of the "Surf and Turf" site, immediately south of the Del Mar Hilton parking lot, North City, San Diego, San Diego County.
 APN 299-042-0100

Substantive File Documents: Certified Torrey Pines Community Plan and City of San Diego LCP Implementing Ordinances (Land Development Code)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the volleyball facilities, with special conditions addressing use of the tent for other activities, requiring the tent to be colored in earth tones, restricting signage on the tent,

and limiting the term of the permit to one year, with monitoring of parking adequacy. Issues raised by the project include its visibility and the potential for special events or functions to exceed the capacity of the existing 200-space parking lot. The recommended special conditions, and clarifications provided by the applicant, resolve these issues.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-020 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Parking/Usage Prohibitions. The applicant shall not use, and shall prohibit its patrons from using, any portion of the East Overflow Parking Lot in association with any uses, events, functions, or activities held in the approved tent structure. In addition, the applicant shall not conduct non-volleyball activities in the tent if there are other special/interim events occurring elsewhere on the fairgrounds property.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a list of all special/interim events (i.e., everything but the Fair, horse races, satellite wagering, and recreational use of the miniature golf course, driving range and tennis courts) scheduled for the remainder of 2002 and 2003. The list should distinguish between events occurring regularly (e.g., monthly or yearly) and one-time events, and should identify the specific facility used for the events and the amount and location of necessary parking.

The permittee shall undertake the development and operate the facilities in accordance with these requirements. Any proposed changes to the requirements shall be reported to the Executive Director. No changes to the requirements shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Signage Restriction. The applicant shall not affix any form of signage to the exterior of the approved tent (except that small informational or directional signs addressing use of the tent may be placed on the south side of the tent facing the parking lot), and shall not use any portion of the approved tent for advertising purposes, unless and until the Coastal Commission approves an amendment to this permit.

The permittee shall undertake the development in accordance with these requirements. Any proposed changes to the requirements shall be reported to the Executive Director. No changes to the requirements shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Tent Color. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final elevation plans for the tent, clearly indicating the proposed color scheme.

- a) The tent shall not be white or light in color.
- b) It shall be finished (constructed of, covered with, or dyed) in deep earth tones of brown, green, etc. that blend in with the surrounding vegetation.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Term of Permit/Monitoring Program. The subject permit authorizes use of the approved tent for one year only, beginning the first day of use of the tent, unless and until this permit is amended by the Coastal Commission.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a program to monitor parking for the full range of uses at the Surf and Turf property. The program shall include:

- a) exact counts of cars associated with use of the approved tent, taken midweek once a month and daily whenever the tent is used for non-volleyball purposes;
- b) a listing of any days the 200-space lot is filled to capacity, identifying the date, time of day, and uses occurring in the tent at that time;
- c) a listing of all non-volleyball events held in the tent, including the dates, time of day, and number of attendees;
- d) documentation of any use of the Del Mar Hilton Hotel parking lot to accommodate non-volleyball uses of the tent, including the type of event, time of event, and number of spaces occupied at the hotel; and
- e) notification in writing of the exact date the tent is first opened for use, submitted within one week of that date.

This information shall be summarized and submitted to the Coastal Commission along with any amendment request to use the tent beyond one year from the start of operations. The permittee shall undertake the monitoring in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to erect a 13,500 sq.ft. fabric tent to house youth volleyball activities on a half-acre portion of the Surf & Turf property, which includes an RV campground, tennis courts, a driving range, a miniature golf facility, and two pro shops. The RV campground is self-contained; all other uses share an existing 200-space parking lot. The tent's dimensions are 135' long, 100' wide and 32.5' tall, and it can accommodate three, 30' by 60' volleyball courts. The proposed hours of operation for volleyball activities are 3:00 p.m. – 9:00 p.m. Monday through Thursday, with only private lessons and workouts on Friday through Sunday. The applicant also proposes use of the tent for interim weekend events associated with the Fairgrounds when it is not needed for volleyball. The proposed tent will share an existing 200-space parking lot with the existing tennis court, pro shops, miniature golf and driving range facilities.

The site is located at the northeast corner of the Surf and Turf property, south of the Del Mar Hilton and west of I-5. This portion of Fairgrounds property is within the 100-year floodplain of the San Dieguito River in the City of San Diego (Torrey Pines Community). The City of San Diego has a certified LCP, but does not issue its own coastal development permits in this location, since the site is filled tidelands and thus within the Coastal Commission's area of original jurisdiction. Chapter 3 policies of the Coastal Act are the legal standard of review, with the certified LCP used as guidance.

1. Environmentally Sensitive Lands/Parking. The following Chapter 3 policies of the Coastal Act are most applicable to this development, and state, in part:

Section 30240.

... (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although most of the site is now developed, there are several areas still containing seasonal wetland resources, including the East and South Overflow Parking Lots and much of the driving range. In addition, all of these areas are within the 100-year floodplain of the adjacent San Dieguito River and experience periodic inundation during average winter rainy seasons.

The specific site chosen for the volleyball tent is located in the northeast corner of the Surf & Turf property, which is comprised of all the Fairgrounds holdings between Jimmy Durante Boulevard and I-5. The site is approximately half an acre in size and contains no structural improvements; the area is not irrigated, but is covered with ruderal grasses, with shrubbery and mature trees on the northern, southern and southeastern perimeters. There are three existing tennis courts to the west and five more to the south, along with a small tennis pro shop and a portion of the 200-space parking lot. To the north of the site, beyond a fence and a row of shrubbery, is a large paved parking lot associated with the adjacent Del Mar Hilton Hotel. The eastern border of the site consists of a vegetated concrete drainage channel within the fenced I-5 right-of-way, and then the freeway itself. There are no sensitive habitats or wetland resources on the specific project site, but scattered wetland vegetation occurs in the drainage channel, along its eastern bank.

There is a distance of approximately ten feet between the subject property boundary/right-of-way fence and the channel itself; this area contains ruderal grasses and

exotic upland species. Then the channel itself is approximately six to eight feet across, with the low water level currently exposing several feet of stream bank. There appear to be a few individual, scattered wetland plants along the eastern bank, but most of the vegetation in the area nearest the project site is exotic. As the drainage channel flows southeast towards the San Dieguito River, well beyond the subject site, wetland vegetation becomes more and more prevalent. However, Caltrans constructed this channel to handle highway runoff from I-5 and maintains this drainage on a regular basis, disturbing or removing most of the vegetation during those operations.

The proposed tent will occupy nearly the entire half-acre site, and, along its northern side, will extend from the nearest tennis court on the west almost right up to the right-of-way fence; along the southern side, it will be setback approximately forty feet from the boundary fence, which runs northwest to southeast at an angle. The existing Hilton parking lot to the north, and existing tennis courts to the south, already extend to the fence line. Because wetland vegetation is only sporadic in this location, the drainage channel is manmade and concrete (i.e., vegetation is growing on a thin layer of sediments that have collected in the channel), the channel is regularly maintained, and there is existing development on both sides of the subject site observing no setback, the Commission finds that the proposed minimal buffer from the drainage channel will not result in any degradation of nearby resources.

Of far greater concern to the Commission is the potential that parking associated with events in the proposed tent will exceed the capacity of the 200-space parking lot and require use of the East Overflow Lot (EOL), which is located west of the Surf & Turf property (generally southwest from the specific project site). Through the years, the applicant has proposed developments in the EOL which would serve to formalize its continuous use for parking, or intensify its use by accommodating other activities. Since this site is in the floodplain and contains biological resources, the Commission has not endorsed these proposals, preferring to see the land remain in its unimproved state.

The EOL was acquired by the applicant for parking purposes in 1967 to supplement the main parking lot during the annual fair and horseracing meet (i.e., from mid-June through mid-September each year). It is currently unimproved except for a paved tramway which partially circles the lot. The tramway was constructed several years ago pursuant to Coastal Development Permit #6-94-13, and was specifically designed to avoid patches of delineated wetlands identified by the Army Corps of Engineers (ACOE) in 1993. Although the applicant asserts that the parking lot is used by Fairgrounds patrons and employees throughout the year, the Commission has only acknowledged its pre-Coastal Act use during the Fair and racing season, and authorized its short-term use (about ten days) by permit for the Grand Prix, which was held at the Fairgrounds each fall for five consecutive years.

The EOL contains several areas of seasonal salt marsh. In the past, it has been formally documented that the EOL contains wetlands. However, the amount of wetlands actually present on the overflow parking lot has been the subject of some debate over the years. In 1993, a representative of the ACOE conducted a wetlands delineation on the

Fairgrounds as a whole, which resulted in the designation of approximately a third of the EOL as ACOE jurisdictional wetlands based on the federal protocol. The applicant contested this delineation and has since conducted its own wetland delineation. The applicant's delineation has never been accepted by the ACOE.

On March 19, 21 and 23, 1996, the applicant conducted a survey (East Parking Lot Wetlands Delineation Report, dated May 10, 1996) and concluded that 1.7 acres of the 18-acre east overflow parking lot (or just less than one tenth) is palustrine wetlands. The applicant states it used the federal protocol to conduct the survey; that is, all three wetland indicators (hydric soils, appropriate hydrology and wetland vegetation) must be present before a site is delineated as a wetland. The discrepancy between the delineation by the ACOE and that conducted by the applicant has not been explained.

However, both the Coastal Commission and the California Department of Fish and Game (CDFG) define wetland as lands that contain any one of the three indicators. The Coastal Act definition of "wetland" states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The field data sheets for the applicant's EOL survey include a number of transect points where one or two wetland indicators are present outside of the area that the applicant delineated as wetland. This suggests that wetlands meeting the Coastal Act definition continue to exist outside the area delineated by the applicant. A current delineation is anticipated as part of the applicant's forthcoming update of their Master Plan, but this information is not yet available. In the absence of a formal delineation according to California protocol, and in view of the facts presented above, the Commission finds it appropriate to take a conservative approach in evaluating the consistency of the proposed project with Chapter 3 policies of the Coastal Act.

Historically, the EOL has been used by the applicant as a public parking reservoir during the annual fair and thoroughbred race meet. Because use of the lot for parking for these two main yearly events predated the Coastal Act, the Commission has not challenged the continued use of this area for overflow parking during these events, even though portions of the EOL are wetlands. To prepare the lot surface for parking each year, the applicant discs and levels it prior to the Mid-June start of the fair (the race meet follows almost immediately after the Fair closes). The preparation activities, and the parking itself, severely inhibit the ability of this area to support growth of wetland vegetation and thus function successfully as wildlife habitat.

Over time, the use of the Fairgrounds has expanded significantly, and now hosts interim events nearly every weekend all year long. The applicant asserts that the EOL is also used by patrons during many of these smaller events, especially when several occur simultaneously. The Fairgrounds consultant has submitted documentation demonstrating that the lot was also used by patrons on seventeen non-Fair or racing days in 1998/1999;

although more recent information has not been submitted, the number of events continues to increase. The submitted data mostly represent weekend days, when there are typically several concurrent events taking place at the Fairgrounds, and the main, paved parking lot is full. The applicant has indicated that the lot is also used by Fairgrounds employees, who are directed to park in this location to preserve areas of the main, paved parking lot for use by patrons, although there has been no formal authorization of this use by the Coastal Commission.

As stated, the Commission has accepted the cited historic use of the east overflow lot for parking during the fair and race meet. In addition, in past permit actions, the Commission authorized use of this area for parking during the five years the Grand Prix was held at the Fairgrounds, and allowed the installation of an at-grade paved tram track outside ACOE delineated wetlands. The tram is used during the annual fair and thoroughbred racing season to transport Fairgrounds patrons to the entrance ticketing windows. With these two exceptions, the Commission has not reviewed or approved parking by patrons or employees or any other uses of this lot.

The applicant has stated that the existing 200-space parking lot adjacent to the tennis courts and golf facilities is more than adequate to handle the parking needs of any uses taking place in the proposed tent. The parking lot is “L”-shaped, with 36 spaces across the top just south of three of the existing tennis courts and the proposed volleyball site, and 164 spaces in the portion running southerly to the “golf” end of the property. Based on observations of Fairgrounds management staff, use of the total eight tennis courts typically requires no more than 30 spaces, and the various golfing activities at the southern half of the Surf and Turf property (miniature golf, driving range and golf pro shop) use about half of the 164 spaces nearest those facilities. In addition, the applicant estimates that the volleyball will require no more than 15 spaces, and expects that persons using the tent for non-volleyball purposes will park in the Hilton parking lot next door. Thus, the applicant identifies an excess of available parking, even if all sports venues are in use at the same time.

The Commission is concerned that this estimate of total parking needs may be unrealistic, especially as the population grows and more people make use of recreational facilities such as these. Commission staff did an informal search of parking requirements in other jurisdictions’ municipal codes, and has discovered that parking requirements for some of these uses vary widely from place to place. This is further complicated by the fact that many jurisdictions, including the City of San Diego, did not break down recreational uses into the specific uses at the subject site (miniature golf, driving ranges, tennis courts and volleyball); The jurisdictions easily found which had published standards for one or more of these uses included Del Mar, San Francisco, South San Francisco, San Jose, Beverly Hills, North Las Vegas, Palo Alto, El Dorado, CA, Gurnee, IL, Mackinaw City, MI, Raleigh, NC and Canterbury in New South Wales, Australia.

A standard for tennis courts was found in 11 of the 12 jurisdictions. The average for those that assigned a specific number per court is 2.8 spaces per court. A standard for miniature golf averaged 2.1 spaces per hole, with some of the jurisdictions requiring

additional parking spaces for employees. A standard for driving ranges averaged 1.4 spaces per tee, again with some jurisdictions requiring additional parking spaces for employees. Only one jurisdiction (Raleigh) had a specific standard for volleyball, which is 4 spaces per court.

The Surf and Turf property includes 8 tennis courts, 36 holes of miniature golf and 80 tees at the driving range, plus the three proposed volleyball courts. Applying the above averages, and the one given standard for volleyball, the Surf and Turf property requires 222 parking spaces for existing and proposed uses. Applying the Surf & Turf's range of uses to the specific standards in other jurisdictions results in a range of parking requirements from a low of 151 spaces to a high of 377 spaces. Thus, the 200 spaces on the Surf and Turf property, though 22 spaces less than average, are within the overall range, and likely adequate for the four specific uses identified.

However, this is not counting use of the tent for special events. A 13,500 sq.ft. tent can accommodate a significant amount of people. Since the site is within the geographic boundaries of the City of San Diego, that city's standards for exhibit halls, conventions and other forms of public assembly can be applied to this development. The City requires 30 parking spaces per 1,000 sq.ft. for all these categories; this results in a parking requirement of 405 parking spaces when the tent is being used for special events. This is double the capacity of the existing parking lot, even if none of the recreational facilities, which all include evening hours of operation, were in use.

The closest, and most logical, place for this vehicle overflow to go is the EOL, unless the event is associated with the Hilton Hotel, in which case attendees would probably use the hotel parking lot. The Commission is reluctant to authorize any development which could potentially require use of the EOL, for all of the resource reasons discussed extensively above. Until a current wetlands delineation is done, there is no way to determine the extent of resources on this site, and any development that would result in formalizing or intensifying use of the EOL would be inconsistent with the Coastal Act's resource protection policies.

Special Conditions #1 and #4 address the Commission's concerns in this regard. Condition #1 prohibits use of the EOL for parking associated with any activities held in the tent. It further prohibits use of the tent for non-volleyball activities whenever there are other interim events ongoing on the Fairgrounds as a whole. This will reduce the likelihood of a conflict of events forcing more use of the EOL than the Commission has endorsed. Special Condition #4 limits the subject permit to one year only, and requires extensive monitoring of parking both for the tent and the Surf and Turf property as a whole. The condition further requires the applicant to submit the monitoring results with any application to amend this permit to allow use beyond one year.

In summary, the Commission identified one significant biological resource concern with this project. Depending on the scope of events held in the proposed tent, the potential exists that parking needs could go beyond the capacity of the on-site 200-space shared parking lot, which could ultimately result in use of the EOL for overflow parking. It

would be inappropriate to permanently authorize the tent without restrictions on its use until the applicant provides adequate documentation of the natural resources present on the EOL that could be adversely affected by parking demand associated with the proposed development. The attached special conditions assure that will not happen. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the cited Chapter 3 policies of the Coastal Act.

3. Hydrology – Floodway and Floodplain Issues. The following policies of the Coastal Act apply to the proposed development, and state, in part:

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...

The City of San Diego base zoning maps identify the subject site as being within the Floodplain/Floodplain Fringe of the San Dieguito River. Historically, this area has been subject to inundation during some past winters, even though the applicant maintains an earthen berm just north of the river channel along the south side of the EOL and driving range. Jimmy Durante Boulevard, which was realigned and raised in elevation during the 1980's pursuant to Coastal Development Permit #6-83-589, acts as a dike, protecting the more developed portions of the Fairgrounds (main parking lot and existing buildings) from flooding except during the most severe flood events. The subject site is located between Jimmy Durante Boulevard and the river, so it is not afforded any protection by the road.

In past permit actions, the Commission has denied fill and construction of permanent structures in the floodplain pursuant to Section 30236 of the Coastal Act. The reason for prohibiting fill or structural improvements in this area is because such development would adversely affect the hydrology of the floodplain and would change the flow and drainage patterns of the affected area; thus, any form of filling the floodplain is a form of channelization. Under Section 30236, cited above, channelization is only allowed as part of a water supply project, as the only feasible means to protect existing structures or as part of a fish or wildlife habitat enhancement project. The subject project involves the

erection of a tent to accommodate volleyball activities and potentially special events. No permanent structures are proposed, and none of the site will be paved, although flooring material will be placed over the existing grass to create the volleyball courts. These are not permanent facilities, however, and can be removed with any threat of serious storm activity.

The Fairgrounds was constructed back in the 1930's on fill placed in historic tidelands. Although this is not the type of development that could be found consistent with the Coastal Act today, the fill operation occurred many decades before the Coastal Act was passed. Because of the history and unique nature of the existing Fairgrounds property, the Commission has in the past approved many development permits that technically would meet the definition of fill in a floodplain. However, these past permits have authorized improvements within the partially paved, already developed portion of the Fairgrounds north and west of Jimmy Durante Boulevard. For the most part, these past projects have consisted of the replacement of many of the historic buildings, including the racetrack grandstands, the horse arena and most of the stables. Although the replacement structures have sometimes been larger than the originals, they have been similarly sited and intended for the same historic uses.

In summary, the Commission finds that the proposed development, which would be located between Jimmy Durante Boulevard and the San Dieguito River, on a currently unimproved site, does not represent channelization of the river within the meaning of Coastal Act Section 30236. The proposed development is ephemeral in nature and is proposed as a temporary interim use until the Fairgrounds begins implementation of their updated master plan. Moreover, the tent, which is proposed in an area identified with a high flood hazard, can be removed during severe storms. Therefore, the Commission finds the proposal consistent with Sections 30236 and 30253 of the Act.

4. Water Quality. The following policy of the Coastal Act addresses this issue and states:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project site drains towards the Caltrans drainage channel to the east. The proposed interim development will not change this pattern. There will be no vehicles on the site, either driving or parked, such that no new contaminants will be introduced into the runoff. Runoff from the tent will flow through an area of grass, shrubs and trees before it

reaches the channel; this will provide sufficient biofiltration considering the types of activities proposed on the site. Therefore, the Commission finds the development consistent with Section 30231 of the Coastal Act.

5. Visual Resources. The following policy of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

This general area comprises the San Dieguito River Valley and Lagoon resources. As such, views throughout this area are considered significant, and the retention and enhancement of existing viewpoints and view corridors is required. The project site, half an acre in size, is oriented east-west between the existing three tennis courts and the I-5 right-of-way, and north-south between the Hilton parking lot and the tennis pro shop. The Hilton parking lot is separated from the subject site by a row of screening vegetation on the Hilton site. The existing vegetation along the east and southeast perimeter of the subject site will remain, and the I-5 corridor is elevated significantly above the subject site on a vegetated manufactured slope.

The applicant has submitted computer simulations of the proposed project taken from various viewpoints on the surrounding street system, including I-5, both northbound and southbound lanes, Jimmy Durante Boulevard, Via de la Valle and one long-distance shot from El Camino Real. Because of all the intervening development, vegetation, and elevational differences, the only vantage point from which the tent will be visible is a brief view from southbound I-5. From here, the top of the tent will be roughly level with the highway, so the view is more over the tent than of it. This is still a visual impact if the tent is white, as it is in the driver's viewshed for several seconds, and stands out against a backdrop of trees. Special Condition #3 requires that the tent be colored in deep earth tones, such that it will blend with the surrounding vegetation. White or light colors are not allowed.

A second visual concern is the potential to use the tent as a structure upon which to affix signage. The applicant has expressed an interest in placing new signage, visible from the freeway, to advertise upcoming events, and the subject site is one that has been informally discussed as a potential location. Special Condition #2 prohibits the placement of any signage on the tent, other than small informational or directional signs directly associated with events in the tent, unless it is authorized by the Coastal Commission through a permit amendment. Any freestanding signage would, of course, require its own coastal development permit. Special Condition #2 allows for the

possibility of signage, but requires an amendment to this permit to allow for such signage.

In summary, these two special conditions address the issues raised over potential visual resource impacts. Therefore, the Coastal Commission finds the proposed development is consistent with Section 30251 of the Act.

6. **Public Access and Recreation.** The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby....

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The project site, and indeed the entire Fairgrounds, is located between the first coastal road (I-5 and Via de la Valle in this location) and the sea (San Dieguito River and Lagoon). The Fairgrounds is relatively near the public beaches of Del Mar and is itself a

popular visitor destination, and all of its facilities and events are open to the public. The proposed volleyball courts are a relatively low-intensity use that is not expected to generate a significant amount of traffic on area streets. Special events in the tent could generate significant parking need, but Special Condition #1 only allows use of the tent for this purpose when no other interim events are being conducted on the Fairgrounds. This will reduce the likelihood of a conflict of events forcing more use of the EOL than the Commission has endorsed. Moreover, as proposed by the applicant and supplemented through special conditions, on site parking will be adequate for all uses, so no beach parking on nearby public streets will be affected. Thus the proposal will not change existing public access patterns or amenities, nor significantly alter the volume of traffic in the area. Therefore, the Coastal Commission finds that the proposed development is consistent with the cited policies of the Act, and all other public access and recreation policies as well.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

The project is located within the City of San Diego, which has a fully certified LCP. This particular property is addressed in the Torrey Pines Community Plan of the North City LCP segment. However, the site is an area of filled tidelands and is thus within the Coastal Commission's area of original jurisdiction. The Commission has coastal development permit authority and the standard of review is Chapter 3 of the Coastal Act. The preceding findings have identified the project's consistency with applicable Chapter 3 policies, with the inclusion of four special conditions. Moreover, the project is consistent with the certified LCP in that it continues a low-intensity commercial recreation use, which is the delineated use for this site in the Torrey Pines Community Plan. Therefore, the Commission finds that project approval, with the attached special conditions, would not prejudice the ability of the City of San Diego to successfully implement its certified LCP in this area.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, is consistent with the biological and visual resource, public access, floodplain, and water quality policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which

would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.